

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARTIN J. WALSH, Secretary of Labor, United)
States Department of Labor,)
v.)
Plaintiff,)) Case No. 18-00381-CV-W-HFS
LOCAL 41 OF THE INTERNATIONAL)
BROTHERHOOD OF TEAMSTERS,)
Defendant.)

**FINAL STATUS REPORT CERTIFYING
UNION ELECTION**

Pursuant to the Court's ORDER of February 10, 2020 [Doc. 24], plaintiff Martin J. Walsh, Secretary of Labor,¹ United States Department of Labor ("DOL"), hereby submits a final status report to the Court.

On May 18, 2018, the DOL filed its COMPLAINT [Doc. 1] with the Court pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. §§ 481-83, seeking to have the Court:

- (1) declare that the November 16, 2017 election of union officers conducted by defendant Local 41, International Brotherhood of Teamsters ("Local 41") for the offices of President, Vice President, Secretary/Treasurer, Recording Secretary, and three Trustees was void, and
- (2) direct Local 41 to conduct a new election for these aforesaid offices under the DOL's supervision.

¹ When this action was filed, R. Alexander Acosta, the then-Secretary of the Department of Labor, was properly named as the party-plaintiff. *See, e.g.*, 29 U.S.C. § 482(b) ("The Secretary [shall] bring an action against the labor organization in the district court of the United States. . . ."). Following Mr. Acosta's resignation (and a series of Acting Secretaries of Labor), Mr. Walsh was named Secretary of Labor effective March 23, 2021. Pursuant to the Federal Rules, "when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending [the] officer's successor is automatically substituted as a party." FED. R. CIV. P. 25(d).

Following discovery and briefing, on February 10, 2020, the Court entered an ORDER granting the DOL's requested relief, unambiguously concluding:

The November 16, 2017, election is hereby declared void and a new election under the supervision of the Secretary of Labor is hereby ORDERED.

Doc. 24, at 8. Moreover, the Court's ORDER further specified:

The court will retain jurisdiction of this matter until a new election is held. The parties are directed to file a status report within NINETY Days of this Order.

Doc. 24, at 8. Thereafter, on April 10, 2020, the DOL and Local 41 filed their PARTIES' JOINT STATUS REPORT [Doc. 26] with the Court. In that filing, the parties noted that an agreement had been reached to delay any new election of union officers in light of the sudden onset of the COVID-19 pandemic.

With this present pleading, the DOL now respectfully informs the Court that a new election for union officers has been conducted by Local 41 under the supervision of the DOL. To that end, attached hereto as "Exhibit A" is the CERTIFICATION OF ELECTION BY UNITED STATES DEPARTMENT OF LABOR which includes the DECLARATION OF TRACY L. SHANKER [Ex. A-1] setting out the details of the election as well as the substance and resolution of one informal pre-election protest and one formal pre-election protest.

In light of the DOL's certification, plaintiff Martin J. Walsh, Secretary of Labor, United States Department of Labor, respectfully requests that the Court enter a final order herein declaring the election results set out in Exhibit A as valid pursuant to 29 U.S.C. § 482(c) and thereafter relinquishing further retention of jurisdiction in this matter.

Respectfully submitted,

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By */s/ Jeffrey P. Ray*

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